



**CALIFORNIA STATE  
PUBLIC WORKS BOARD**

EDMUND G. BROWN JR. • GOVERNOR

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## **AGENDA WITH ANALYSIS**

**NOTICE OF MEETING  
STATE PUBLIC WORKS BOARD  
Friday, May 11, 2012**

The **STATE PUBLIC WORKS BOARD** will meet on  
**Friday, May 11, 2012 at 10:00 a.m. in Room 113,  
State Capitol, Sacramento, California.**

In accordance with provisions of section 11125 of the  
Government Code, a copy of the Agenda is attached.

Greg Rogers  
Administrative Secretary

Attachment

**STATE PUBLIC WORKS BOARD**

**Friday**  
**May 11, 2012**  
**10:00 a.m.**  
**Room 113**

State Capitol  
Sacramento, California

<b>I.</b>	Roll Call		
<b>II.</b>	Approval of minutes from the April 11, 2012 meeting		
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## BOND ITEMS

### BOND ITEM—1

**DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)  
WOMEN'S JAIL AND HEALTH CARE/PROGRAM BUILDING  
JAIL PROJECT  
SAN LUIS OBISPO COUNTY**

*Authority: Sections 15820.90 – 15820.907 of the Government Code*

**Consider adopting a resolution to:**

1. Authorize actions to be taken to provide for interim financing and declare the official intent of the State Public Works Board to reimburse certain capital expenditures from the Public Buildings Construction Fund from the proceeds of the sale of bonds.
2. Authorize the sale of lease revenue bonds.
3. Approve and authorize the execution of a Project Delivery and Construction Agreement between San Luis Obispo County, the California Department of Corrections and Rehabilitation, the Corrections Standards Authority, and the State Public Works Board.
4. Approve other related actions in connection with the authorization, issuance, sale, and delivery of said revenue bonds.

**Total Bond Allocation**

**\$25,126,000**

## BOND ITEMS

### STAFF ANALYSIS ITEM—1

Department of Corrections and Rehabilitation  
Women's Jail and Health Care/Program Building  
Jail Project  
San Luis Obispo County

Action Requested

**If approved, the requested action would adopt a resolution authorizing actions to be taken to provide for interim financing, authorize the sale of lease revenue bonds, and other related actions.**

### Scope Description

**This project is within scope.** The project includes approximately 46,000 square feet (sf) to house and provide treatment and program space for approximately 198 women inmates on approximately 1.5 acres of the greater 7± acres of county owned land on which the county's existing jail facility is located. The project includes two buildings constructed primarily using steel, with interior high traffic areas utilizing concrete masonry unit (CMU) and concrete for long-term durability. It will house post-arraignment, pre-sentenced, and convicted female inmates. One building will house inmates, and a second health care/program building will provide space to provide medical, dental, and mental health services, as well as other programs, to support those inmates.

The housing building will be an approximately 38,000 sf two-story structure on vacant land adjacent to the existing jail. This building will include two housing units constructed to support direct supervision of inmates. One housing unit will have approximately 96 dormitory beds in 12 rooms. The other housing unit will house approximately 96 inmates in 48 cells. In addition, the housing building will also include six special use isolation cells for medical or disciplinary reasons and two safety cells for temporary isolation of inmates who display destructive behavior. Each housing unit will include staff control areas, dayrooms, an exercise yard, a video visitation room, an interview room, a multipurpose room to support rehabilitative and training programs, a vocational programs room, a janitor's closet, and storage space.

The health care/program building will be approximately 8,000 sf and will provide exam rooms to support medical treatment, a dental operatory, rooms to provide mental health services and confidential mental health interviews, and rooms to support rehabilitative programming. In addition, the building will include pharmacy/medication distribution space, staff office space, separate inmate and staff restrooms, janitorial closets, and storage space. The health care/program building will be built on the site of the existing women's jail facility, which will be demolished as part of the project.

The project will also include, but is not limited to, electrical; plumbing; mechanical; heating, ventilation, and air conditioning; electronic security; and fire protection systems.

Several functions necessary for the operation of the new facilities will be accommodated in the existing jail facility, including intake/booking, receiving areas and other processing areas, as well as a central kitchen that prepares food for all inmates housed in the jail. The hard exterior of each building, composed of CMU, concrete and steel, will provide the secure perimeter. In addition, there will be a six-foot chain link fence surrounding the entire facility to provide grounds security.

### Funding and Cost Verification

**This project is within cost.** On April 11, 2012, the Board took an action allocating \$25,125,630 of the \$750,000,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in Government Code section 15820.903 to partially finance the construction of this project. The initial allocation of this funding to counties was administered through the Corrections Standards Authority (CSA) through a competitive public process. CSA has conditionally awarded \$25,125,630 from this appropriation to San Luis Obispo County for this project. All of the acquisition/study and design costs and any construction costs in addition to this award amount will be paid by the County.

\$38,018,000    total authorized project costs

\$38,018,000    total estimated project costs

\$25,126,000    state funds to be allocated: construction (contract)

\$12,892,000 local funds previously allocated: \$75,000 acquisition/study, \$816,000 preliminary plans, \$797,000 working drawings, and \$11,204,000 construction (\$4,951,000 contract, \$3,008,000 contingency, \$622,000 A&E, \$2,623,000 other project costs)

#### CEQA

A Notice of Determination was filed with the State Clearinghouse on November 28, 2011, and the 30-day statutes of limitation expired on December 28, 2011, without challenge.

#### Real Estate Due Diligence

A Summary of Conditions Letter for this project was completed on April 26, 2012, and no issues that would adversely affect the quiet use and enjoyment of the project were identified.

#### Project Schedule

Approve preliminary plans	May 2012
Complete working drawings	August 2012
Start construction	December 2012
Complete construction	June 2015

**Staff Recommendation:**     **Adopt resolution.**

## CONSENT ITEMS

### CONSENT ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)  
ADMINISTRATIVE OFFICE OF THE COURTS  
NEW SAN DIEGO CENTRAL COURTHOUSE  
SAN DIEGO COUNTY

AOC Facility Number 37-L1

*Authority: Sections 70371.5 and 70371.7 of the Government Code  
Chapter 33, Statutes of 2011, Item 0250-301-3138 (11)*

#### Consider approving:

- a) preliminary plans
- b) a reversion of project savings **\$7,075,000**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—1

Judicial Council of California  
Administrative Office of the Courts  
New San Diego Central Courthouse  
San Diego County

#### Action Requested

**If approved, the requested action would approve preliminary plans and revert project savings.**

#### Scope Description

**This project is within scope.** The authorized scope for this project is to construct a new trial court building of approximately 704,000 square feet to accommodate 71 courtrooms, court administration offices, jury assembly, and 81 secure underground spaces for judicial officers and site improvements. The project includes a bridge to the Hall of Justice (HOJ), reconfiguration of court space in the HOJ, and an inmate transit tunnel connecting to the main county jail.

### Funding and Cost Verification

**This project is within cost.** A total of \$62,559,000 has been appropriated for acquisition, preliminary plans, and working drawings. Revised construction costs are estimates. Acquisition costs were less than estimated because environmental and other consulting costs were lower than originally anticipated.

The construction cost estimate at the end of preliminary plans (100 percent design development) prepared by the Rudolph and Sletten Construction Company (Construction Manager-at-Risk), indicates that the estimated construction cost of \$564,633,000 is consistent with the anticipated construction bids, resulting in total estimated project costs of \$620,117,000.

\$642,596,000	total authorized project costs
\$620,117,000	total estimated project costs
\$ 23,117,000	project costs previously allocated: \$1,558,000 acquisition, \$21,559,000 preliminary plans
\$597,000,000	project costs to be allocated: \$32,367,000 working drawings, \$564,633,000 construction (\$501,811,000 contract, \$25,091,000 contingency, \$7,954,000 A&E, \$29,777,000 other)
\$ 7,075,000	amount to be reverted: acquisition

### CEQA

A Notice of Determination was filed with the State Clearinghouse on December 15, 2010, and the 30-day statutes of limitation expired on January 14, 2011, without challenge.

### Project Schedule

Approve preliminary plans	May 2012
Complete working drawings	July 2013
Start construction	November 2013
Complete construction	March 2016

**Staff Recommendation:     Approve preliminary plans and revert project savings.**

## CONSENT ITEMS

### CONSENT ITEM—2

JUDICIAL COUNCIL OF CALIFORNIA (0250)  
ADMINISTRATIVE OFFICE OF THE COURTS  
NEW STOCKTON COURTHOUSE  
SAN JOAQUIN COUNTY  
Project Number 91-39-001

*Authority: Chapter 171 and 172, Statutes of 2007, Item 0250-301-3037 (7)  
Chapter 268 and 269, Statutes of 2008, Item 0250-301-3037 (7),  
as reappropriated by the 2009 Budget Act  
Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by  
Chapter 1, Statutes of 2009, Fourth Extraordinary Session, Item 0250-301-3037 (11)  
Chapter 712, Statutes of 2010, Item 0250-301-0660 (6)*

**Consider recognizing a scope change**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—2

Judicial Council of California  
Administrative Office of the Courts  
New Stockton Courthouse  
San Joaquin County

#### Action Requested

**If approved, the requested action would recognize a scope change.**

#### Scope Description

**This project is not within scope.** This 30-courtroom project was authorized with an area of 306,443 square feet (sf). The preliminary plans of the project must be redesigned to meet the 2010 building code, requiring several features which will increase the size of the building by 4,000 sf. Some of the required scope changes include additional space for wider stairways and the extension of two stairways from the 11<sup>th</sup> floor to the 13<sup>th</sup> floor to accommodate maximum occupancy capacity during emergency evaluations. The additional area will bring the total building size to 310,443 sf.



A 20-day letter was sent to the Legislature on April 2, 2012, and the 20-day review period has expired with no adverse comments.

#### Funding and Cost Verification

The Administrative Office of the Courts will deliver the 310,443 sf building within the proposed Fiscal Year (FY) 2012–2013 project budget, which is \$277,708,000, updated to November 2011 California Construction Cost Index, and escalated to the revised start and mid-point of construction (pending approval in the FY 2012–2013 Budget Act). The adjusted escalation reflects the revised estimated start of construction from August 2011 to February 2014, a 30-month delay.

\$272,939,000 total authorized project costs

\$277,708,000 total estimated project costs

\$ 15,242,000 project costs previously allocated: \$5,325,000 acquisition and \$9,917,000 preliminary plans

\$262,466,000 project costs to be allocated: \$1,245,000 acquisition, \$13,186,000 working drawings and \$248,035,000 construction (\$221,353,000 contract; \$11,068,000 contingency; \$3,418,000 A&E costs; and \$12,196,000 other)

\$ 4,769,000 construction phase increase: updated to November 2011 California Construction Cost Index and adjusted escalation to the revised construction schedule

#### CEQA

A Notice of Determination was filed with the State Clearinghouse on August 10, 2009. The 30-day statute of limitations expired on September 10, 2009, without challenge.

#### Project Schedule

Close of Escrow	May 2012
Approve preliminary plans	June 2012
Complete working drawings	Oct. 2013
Start Construction	February 2014
Complete construction	April 2016

**Staff Recommendation:** Recognize a scope change.

## CONSENT ITEMS

### CONSENT ITEM—3

JUDICIAL COUNCIL OF CALIFORNIA (0250)  
ADMINISTRATIVE OFFICE OF THE COURTS  
NEW SANTA BARBARA CRIMINAL COURTHOUSE (COUNTY MONITORING SITE)  
SANTA BARBARA COUNTY  
AOC Facility Number 42-M1, DGS Parcel Number 10673

*Authority: Sections 70371.5 and 70371.7 of the Government Code.*

**Consider authorizing acquisition**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—3

Judicial Council of California  
Administrative Office of the Courts  
New Santa Barbara Criminal Courthouse (County Monitoring Site)  
Santa Barbara County

#### Action Requested

**If approved, the requested action would authorize acquisition for this project.**

#### Scope Description

**This project is within scope.** The requested action would authorize acquisition of approximately 580 square feet of improved land for the construction of a new 8-courtroom, 98,000 square foot facility for use by the Superior Court of California for judicial, administrative, and related purposes. The project includes secure parking for judicial officers and staff and surface parking for visitors. This parcel is in addition to the Hayward site already acquired by the state in July 2011.

#### Funding and Cost Verification

**This project is within cost.** A total of \$41,541,000 has been appropriated for acquisition. This property can be acquired with the funds available and in accordance with Legislative intent.

\$151,988,000	total authorized project costs
\$151,988,000	total estimated project costs
\$ 10,439,000	project costs previously allocated: acquisition
\$141,549,000	project costs to be allocated: \$31,102,000 acquisition, \$5,058,000 preliminary plans, \$6,772,000 working drawings, and \$98,617,000 construction (\$87,529,000 contract, \$4,376,000 contingency, \$1,660,000 A&E, and \$5,052,000 other project costs)

### CEQA

A Notice of Exemption was filed with the State Clearinghouse on April 12, 2011, and the 35-day statutes of limitation expired on May 17, 2011, without challenge.

### Project Schedule

Estimated close of escrow	March 2012
Approval of preliminary plans	September 2012
Complete working drawings	March 2013
Start construction	January 2014
Complete construction	October 2015

### Condition of Property

The County Monitoring Site (Site) includes a proposed acquisition of approximately 580 square feet, located northwest of the Santa Barbara County Probation Offices located at 117 East Carrillo Street, Santa Barbara, California. The Site is considered an enhancement to the acquisition of the former Hayward site described below. The proposed acquisition would facilitate construction of a New Santa Barbara Criminal Courthouse. The Site includes a remediation extraction system that will be removed prior to the state's acquisition.

### Assessment History

The County of Santa Barbara (County) formerly operated a vehicle fueling station and maintenance building with an attached fuel island and underground storage tanks in the County-owned parking lot southeast of the Site (County Probation Offices property). Residual gasoline constituent soils and groundwater plumes released from the former fueling facility underlie the County Probation Offices property. Remedial actions were conducted at the County property from 1995 through 2011 using soil vapor extraction, groundwater extraction, air sparging, and to a limited extent, hydrogen peroxide injection. Direct removal of soil contamination has been limited to soil cuttings generated by soil borings and well completions. Historically, the benzene groundwater plume occupied a footprint of about 43,000 square feet (sf). By August 2011, the benzene groundwater plume had been reduced to about 1,000 sf, a 97 percent reduction. The available assessment data indicate that the gasoline constituent soil plumes at the County Probation Offices property are defined, stable, and have declined in response to remediation efforts conducted since 1995. Regulatory oversight staff report indicates that the County Probation Offices property remedial actions were officially terminated at the end of 2011. Based on historical remedial efforts and decreasing contaminant trends, the Santa Barbara County Fire Department Local Oversight Program Staff recommend conditional, Low Threat Closure for this project.

Based on Fourth Quarter 2011 groundwater monitoring results, the benzene groundwater plume occupies about 850 sf, and the gasoline groundwater plume occupies about 1,400 sf and continues to shrink in size. Only gasoline constituents were detected at concentrations at or above their respective regulatory agency action levels. The historical trends suggest that the contaminants will continue to degrade over time and eventually reach their respective action levels.

### Risk Management Plan

DGS recommends the AOC prepare a risk management plan (RMP) for potential earthwork activities. The RMP will present the decision framework for managing soil and groundwater associated with redevelopment of the Site and includes general protocols and health and safety measures should contaminated soil and groundwater be encountered during construction or grading activities.

### Other:

- The Board approved site selection for this property at its December 13, 2010 meeting.
- The proposed site meets the size, location, and compatibility requirements of the Judicial Council of California.
- The purchase price shall not exceed the estimated fair market value as indicated in a DGS-approved appraisal.
- The site had previously been used by Santa Barbara County to house environmental monitoring equipment. The Santa Barbara County Fire Department Local Oversight Program Staff approved the removal of the monitoring equipment on April 4, 2012, and the equipment was removed on April 30, 2012
- The AOC will prepare an RMP for the Site prior to commencement of construction in order to lay the framework for managing the soil and groundwater development activities.
- There were no relocation or historic issues and no implied dedication associated with this project.

**Staff Recommendation:     Authorize acquisition.**

## CONSENT ITEMS

### CONSENT ITEM—4

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)  
GARDEN VALLEY FOREST FIRE STATION – REPLACE FACILITY  
EL DORADO COUNTY**

*Authority: Chapter 268, Statute of 2008, Item 3540-301-0660 (4), as reappropriated by the 2009, 2010, and 2011 Budget Acts*

**Consider approving preliminary plans**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—4

Department of Forestry and Fire Protection  
Garden Valley Forest Fire Station – Replace Facility  
El Dorado County

Action Requested

**If approved, the requested action would approve preliminary plans.**

Scope Description

**The project is within scope.** This project will design and construct a 7,045 square foot, 2-engine fire station consisting of a single-story, combined apparatus, barracks, and messhall, including a 3-bay apparatus building with a Battalion Chief Office and a 12-bed barracks. Site improvements include site demolition, grading and paving, new utilities including fiber optic extension and septic system, hose wash rack and wharf hydrant, above ground fuel vaults, site fencing, retaining wall, flagpoles, trash enclosure, site/curb/gutter/sidewalks, site lighting, new footing for radio tower and landscaping/irrigation, storm drainage, and entrance gates.

Funding and Cost Verification

**This project is within cost.** A total of \$7,701,000 (lease revenue bonds) has been appropriated for preliminary plans (\$629,000), working drawings (\$561,000), and construction (\$6,511,000).

\$ 7,701,000 total authorized project costs  
\$ 7,701,000 total estimated project costs  
\$ 629,000 project costs previously allocated: preliminary plans  
\$ 7,072,000 project costs to be allocated: \$561,000 working drawings and \$6,511,000 construction (\$5,296,000 contract, \$265,000 contingency, \$453,000 project administration, \$457,000 other project costs, and \$40,000 agency retained).

#### CEQA

A Notice of Determination was filed with the State Clearing House on May 11, 2009, and the 30-day statutes of limitation expired on June 10, 2009, without challenge.

#### Real Estate Due Diligence

The Department of General Services completed a Summary of Conditions Letter on April 5, 2012, and no significant issues were identified.

#### Project Schedule

Approve preliminary plans	May 2012
Complete working drawings	November 2012
Start construction	April 2013
Complete construction	June 2014

**Staff Recommendation: Approve preliminary plans**

## CONSENT ITEMS

### CONSENT ITEM—5

DEPARTMENT OF PARKS AND RECREATION (3790)  
LOS ANGELES STATE HISTORIC PARK  
SITE DEVELOPMENT/PLANNING AND PHASE I BUILD-OUT  
LOS ANGELES COUNTY

*Authority: Chapters 47 and 48, Statutes of 2006, Item 3790-301-0005 (3.5)  
as reappropriated by the 2007 Budget Act  
Chapters 171 and 172, Statutes of 2007, Item 3790-301-6051 (3.5)  
as reappropriated by the 2008, 2009, 2010, and 2011 Budget Acts  
Chapter 1, Statutes of 2009, Third Extraordinary Session, Item 3790-301-6051 (11)  
as reappropriated by Item 3790-491 of the 2010 and 2011 Budget Acts*

**Consider approving preliminary plans**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—5

Department of Parks and Recreation  
Los Angeles State Historic Park  
Site Development/Planning and Phase I Build-Out  
Los Angeles County

#### Action Requested

**If approved, the requested action would approve preliminary plans.**

#### Scope Description

**This project is within scope.** The project will construct or provide multi-use plazas and flexible space, a “Great Lawn” featuring a sloped amphitheater/stage space, interpretive paths and “portals” for engaging historic themes and content, site lighting, site furnishings, signage, restrooms, and an operations yard, as well as improvements to the utility infrastructure (electricity, sewer, water, phone, and data), landscaping, irrigation, and drainage throughout the park. These public use improvements will make the park more accessible to visitors, as well as increase its capacity and allow for a greater number of activities and events to take place at the park.

This scope is consistent with that which was recognized by the State Public Works Board on April 10, 2010.

#### Funding and Cost Verification

**This project is within cost.** A total of \$9,974,000 has been appropriated for studies (\$765,000), preliminary plans (\$5,854,000), and working drawings (\$3,355,000) phases of the project. The project is within budget.

\$29,346,000 total authorized project costs

\$29,346,000 total estimated project costs

\$ 6,619,000 project costs previously allocated: \$765,000 studies and \$5,854,000 preliminary plans

\$22,727,000 project costs to be allocated: \$1,884,000 working drawings, \$20,793,000 construction (\$18,202,000 contract, \$910,000 contingency, \$1,281,000 A&E costs, and \$400,000 agency-retained), and \$50,000 equipment

#### CEQA

An EIR was filed with the State Clearinghouse on January 27, 2012, and the 45-day statutes of limitation expired on March 12, 2012, without challenge.

#### Real Estate Due Diligence

Parks completed due diligence for this project in November 2001 and no issues were identified that would adversely affect the quiet use and enjoyment of the project.

#### Project Schedule

Approve preliminary plans	May 2012
Complete working drawings	December 2012
Start construction	June 2013
Complete construction	June 2014

**Staff Recommendation: Approve preliminary plans.**



## CONSENT ITEMS

### CONSENT ITEM—6

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)  
WOMEN'S JAIL AND HEALTH CARE/PROGRAM BUILDING  
JAIL PROJECT  
SAN LUIS OBISPO COUNTY

*Authority: Sections 15820.90 – 15820.907 of the Government Code*

**Consider approving preliminary plans**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—6

Department of Corrections and Rehabilitation  
Women's Jail and Health Care/Program Building, Jail Project  
San Luis Obispo County

#### Action Requested

**If approved, the requested action would approve preliminary plans.**

#### Scope Description

**This project is within scope.** The project includes approximately 46,000 square feet (sf) to house and provide treatment and program space for approximately 198 women inmates on approximately 1.5 acres of the greater 7± acres of county owned land on which the county's existing jail facility is located. The project includes two buildings constructed primarily using steel, with interior high traffic areas utilizing concrete masonry unit (CMU) and concrete for long-term durability. It will house post-arraignment, pre-sentenced, and convicted female inmates. One building will house inmates, and a second health care/program building will provide space to provide medical, dental, and mental health services, as well as other programs, to support those inmates.

The housing building will be an approximately 38,000 sf two-story structure on vacant land adjacent to the existing jail. This building will include two housing units constructed to support direct supervision of inmates. One housing unit will have approximately 96 dormitory beds in 12 rooms. The other housing unit will house approximately 96 inmates in 48 cells. In addition, the

housing building will also include six special use isolation cells for medical or disciplinary reasons and two safety cells for temporary isolation of inmates who display destructive behavior. Each housing unit will include staff control areas, dayrooms, an exercise yard, a video visitation room, an interview room, a multipurpose room to support rehabilitative and training programs, a vocational programs room, a janitor's closet, and storage space.

The health care/program building will be approximately 8,000 sf and will provide exam rooms to support medical treatment, a dental operatory, rooms to provide mental health services and confidential mental health interviews, and rooms to support rehabilitative programming. In addition, the building will include pharmacy/medication distribution space, staff office space, separate inmate and staff restrooms, janitorial closets, and storage space. The health care/program building will be built on the site of the existing women's jail facility, which will be demolished as part of the project.

The project will also include, but is not limited to, electrical; plumbing; mechanical; heating, ventilation, and air conditioning; electronic security; and fire protection systems.

Several functions necessary for the operation of the new facilities will be accommodated in the existing jail facility, including intake/booking, receiving areas and other processing areas, as well as a central kitchen that prepares food for all inmates housed in the jail. The hard exterior of each building, composed of CMU, concrete and steel, will provide the secure perimeter. In addition, there will be a six-foot chain link fence surrounding the entire facility to provide grounds security.

#### Funding and Cost Verification

**This project is within cost.** On April 11, 2012, the Board took an action allocating \$25,125,630 of the \$750,000,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in section 15820.903 of the Government Code to partially finance the construction of this project. The initial allocation of this funding to counties was administered through the Corrections Standards Authority (CSA) through a competitive public process. CSA has conditionally awarded \$25,125,630 from this appropriation to San Luis Obispo County for this project. All of the acquisition/study and design costs and any construction costs in addition to this award amount will be paid by the County.

\$38,018,000	total authorized project costs
\$38,018,000	total estimated project costs
\$25,126,000	state funds previously allocated: construction (contract)
\$12,892,000	local funds previously allocated: \$75,000 acquisition/study, \$816,000 preliminary plans, \$797,000 working drawings, and \$11,204,000 construction (\$4,951,000 contract, \$3,008,000 contingency, \$622,000 A&E, \$2,623,000 other project costs)

#### CEQA

A Notice of Determination was filed with the State Clearinghouse on November 28, 2011, and the 30-day statutes of limitation expired on December 28, 2011, without challenge.

#### Real Estate Due Diligence

A Summary of Conditions Letter for this project was completed on April 26, 2012, and no issues that would adversely affect the quiet use and enjoyment of the project were identified.

Project Schedule

Approve preliminary plans	May 2012
Complete working drawings	August 2012
Start construction	December 2012
Complete construction	June 2015

**Staff Recommendation:**     **Approve preliminary plans.**

## CONSENT ITEMS

### CONSENT ITEM—7

CALIFORNIA STATE UNIVERSITY (6610)  
SAN FRANCISCO STATE UNIVERSITY  
SCHOOL OF THE ARTS (SOTA) PROPERTY  
SAN FRANCISCO COUNTY  
Project No. CSU 502, DGS Parcel No. 10476

*Authority: Chapter 47, Statutes of 2006, Item 6610-301-6048(6), as reverted by the 2007 Budget Act  
Chapters 171 and 172, Statutes of 2007, Item 6610-301-6048(10), as reappropriated by the 2009 Budget Act*

**Consider authorizing acquisition**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—7

California State University  
San Francisco State University  
School of the Arts (SOTA) Property  
San Francisco County

#### Action Requested

**If approved, the requested action would authorize acquisition.**

#### Scope Description

**This project is within scope.** This request will authorize acquisition of the fee simple interest of approximately 2.50 acres of land located contiguous to the main campus of San Francisco State University (University) in the City of San Francisco. The site includes an elementary school and most recently, as a magnet school known as the School of the Arts (SOTA). Acquisition of this site would serve to expand the boundary of the existing 134 acre University campus and is considered necessary to meet the needs of the University's projected enrollment growth and future real property needs.

### Funding and Cost Verification

**This project is within cost.** The 2006 Budget Act appropriated \$6,930,000 from 2006 University Higher Education Capital Outlay Bond Fund for the project acquisition phase. Subsequent appraisals reviewed and approved by the Department of General Services (DGS) reflect higher property valuations for the project than initially contemplated. Consequently, the 2007 Governor's Budget contained a reversion of the 2006 acquisition appropriation and a new appropriation of \$12,382,000 from the same fund, and subsequently reappropriated that amount in the 2009 Budget Act. This property can be acquired with the funds available and in accordance with Legislative intent.

### CEQA

A Notice of Exemption was filed with the State Clearing House on May 4, 2007, and the 35-day statute of limitations expired on June 7, 2007, without challenge.

### Project Schedule

Close of escrow

July 2012

### Condition of Property

On August 30, 2011, DGS staff conducted a follow up site visit to the proposed property acquisition. The single-story school complex remains vacant with windows boarded. The open courtyard and vehicle parking area surrounding the building complex is fenced with locked gates. The site is currently improved with an existing 51,000-square-foot one-story concrete building, built in 1956 and vacant since 2001, and off-street parking area.

### Phase I Environmental Site Assessment (ESA)

A Phase I Environmental Site Assessment (Phase 1) report was completed by the URS Corporation (URS), an engineering and technical services company, for the subject property in September 2002 in accordance with the American Society for Testing and Materials (ASTM) Practice E-1527-00. The Phase I report did not find any recognized environmental conditions as defined in ASTM Standard Practice E-1527-00. This report was reviewed by DGS' Environmental Services Section (ESS) staff and a site visit on June 5, 2007 concluded no potential problems with hazardous materials.

### Phase I Update

URS completed an update to the Phase I on October 7, 2011. This assessment included a review of past and current land use in the site vicinity in accordance with newly updated ASTM requirements (E-1527-05). There is potential for asbestos and lead-containing sources, based on the age of construction of the school. Because the proposed plan is to demolish the school, proper precautions should be undertaken (performance of a professional asbestos and lead survey) prior to demolition. ESS staff has reviewed the Phase I Update and agrees with its conclusion of no recognized environmental conditions in connection with the subject property. ESS finds that the subject property did not contain any apparent hazards to health and safety or any adverse restrictions for site development. No further investigations appear warranted.

### Other:

- Site Selection was approved by the Board on July 13, 2007.
- The purchase price will not exceed estimated fair market value as determined by a DGS-approved appraisal.
- The property has been included on the campus master plan since 1988 as future boundary expansion.

- There is no implied dedication applicable to this property.
- The property is unoccupied and no relocation assistance is to be involved.
- DGS is not aware of any lawsuits pending concerning the property. The Purchase Acquisition Agreement will require delivery of title to the property free and clear of any mortgages or liens.

**Staff Recommendation:     Authorize acquisition.**

## ACTION ITEM

### ACTION ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)  
ADMINISTRATIVE OFFICE OF THE COURTS  
NEW REDDING COURTHOUSE (THOMPSON PARCEL)  
SHASTA COUNTY  
AOC Facility Number 45-E1, DGS Parcel Number 10642  
(APN 101-780-059)

*Authority: Sections 70371.5 and 70371.7 of the Government Code  
Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by  
Chapter 1, Statutes of 2009, Fourth Extraordinary Session*

**Consider authorizing acquisition**

## ACTION ITEM

### STAFF ANALYSIS ITEM—1

Judicial Council of California  
Administrative Office of the Courts  
New Redding Courthouse (Thompson Parcel)  
Shasta County

#### Action Requested

**If approved, the requested action would authorize acquisition.**

#### Scope Description

**This project is within scope.** The requested action would authorize the acquisition of the last of the 11 necessary parcels (six county-owned parcels and five privately-owned parcels), which total approximately 2 acres in the City of Redding, Shasta County (County). The purpose of the proposed acquisition is to construct a new 14-courtroom, 173,000 square foot facility and associated improvements for use by the Superior Court of California for judicial, administrative, and related purposes. The project will provide secure parking for judicial officers and staff as well as surface parking. This proposed project location is situated in Redding's downtown core in close proximity to other public buildings, the Interstate Route 5 interchange, and other major travel arterials.

### Funding and Cost Verification

**This project is within cost.** A total of \$6,996,000 has been appropriated for acquisition. This property can be acquired with the funds available and in accordance with Legislative intent. The total land acquisition costs for the 10 parcels already acquired are \$2,035,000 (\$1,325,000 for four privately-owned parcels and \$710,000 for six County-owned parcels). The County-owned parcel costs were offset by the exchange of court equity in the two existing court facilities (valued at \$1,790,000). There are sufficient funds left to acquire this remaining privately-owned parcel.

\$170,598,000 total authorized project cost

\$170,598,000 total estimated project cost

\$ 4,457,000 project costs previously allocated: acquisition

\$166,141,000 project costs to be allocated: \$3,414,000 acquisition, \$6,394,000 preliminary plans, \$9,055,000 working drawings, and \$147,278,000 construction (\$130,940,000 contract, \$6,547,000 contingency, \$2,352,000 A&E, and \$7,439,000 other project costs)

### Eminent Domain Proceedings

At the April 8, 2011 meeting, the Board took action to recognize that the Oregon/Yuba site in Redding was the preferred location to construct a new courthouse. Additionally, the Board recognized that one of the required parcels would have to be acquired through the use of Eminent Domain (the Property). In September 2010, the Judicial Council of California (JCC) entered into a Memorandum of Understanding with the Redding Redevelopment Agency (RDA) to have the Redding RDA obtain "rights to acquire" the five private parcels that make up a portion of the proposed site. The Redding RDA made offers to the private owners, and the Board approved the acquisition of four out of the five privately-owned parcels from the Redding RDA on July 8, 2011. One of the private owners, Ms. Marcella C. Thompson (the Owner), was not receptive to providing "acquisition rights" to the Redding RDA as they did not agree with the value of the land indicated in the DGS approved appraisal. However, on June 24, 2011, the Owner signed a stipulation stating they did not object to the Redding RDA's right to take the Property and the court issued an Order of Possession for the parcel. A Stipulation for Order for Possession provided for the Redding RDA to take possession of the Property as of August 31, 2011. The Owner then obtained an updated appraisal.

On February 23, 2012, a Superior Court settlement conference was conducted to consider the fair market value of the Property, based on its highest and best use and pre-condemnation damages. The Owner's real estate appraiser opined that the estimated value of the Property was \$1,000,000, while the Redding RDA's appraiser opined that the estimated value was \$725,000. The settlement conference was concluded with the Owner agreeing to accept the sum of \$950,000 (Settlement Offer) as just compensation for the Property and for all costs of the lawsuit and any other claims arising from the taking of the Property. Pursuant to an agreement between the Owner and the Redding RDA, the Owner has agreed to dismiss her cross-complaint, with prejudice, filed in that action entitled Redding Redevelopment Agency vs. Gary L. Rowe, et al.

In early 2012, the City of Redding (City) replaced the Redding RDA as the successor plaintiff after redevelopment agencies were dissolved by the Supreme Court. Due to the City's limited power as successor plaintiff, to settle the litigation, the JCC opted to pursue a purchase agreement directly with the Owner based on the agreed upon Settlement Offer between the Owner and the City. The Owner will convey the title to the JCC immediately upon close of escrow, free and clear of all encumbrances. Escrow shall be scheduled to close on or before sixty (60) days after the JCC obtains Board site acquisition approval at a duly noticed meeting.



### Purchase Price Negotiations

Although the Settlement Offer of \$950,000 is \$225,000 higher than the appraisal value, as approved by DGS, the purchase price was negotiated through an arms' length process that took into account many factors, such as the DGS approved appraisal, the property owner's appraisal, the limited availability of comparative sales data, the unique nature of the property, and a number of public benefit factors described in more detail below. Given these factors, the price that was negotiated is believed to be a fair and equitable value for both the Owner and the state.

Although the state could potentially acquire this property below the negotiated purchase price by initiating its own eminent domain action, this option could potentially result in the same or higher costs. Another option would be for the state to abandon the acquisition of the Property and construct the project around the Owner's parcel, which occupies approximately 18 percent of the total site. However, this option would require the construction of a much taller, less efficient courthouse, with additional security requirements. For example, building around this parcel would result in complications related to utility relocation, assembly areas, and overall construction methods. The JCC estimates that this option would result in increased construction costs, likely to be many times greater than \$225,000. Therefore, the proposed acquisition appears to be the most fiscally prudent option.

The JCC legal counsel has reviewed the transaction and has concluded that given the public benefits achieved through this acquisition that the purchase price is an appropriate expenditure of public funds.

### CEQA

A Notice of Exemption was filed with the State Clearinghouse on December 15, 2010, and the 35-day statutes of limitation expired on January 19, 2011, without challenge.

### Project Schedule

Close escrow	July 2012
Approve preliminary plans	February 2013
Complete working drawings	April 2014
Start construction	August 2014
Complete construction	August 2016

### Condition of the Property

The Thompson Property (1720-1730 Yuba Street) is the last of an assemblage of six county-owned parcels and five privately-owned parcels that comprise about two acres of the block defined by Butte, Oregon, Yuba, and Court Streets in downtown Redding. The improvements located specifically on the Property include an office building and a mixed use restaurant/residential building. As the condition of the Property is well documented (i.e., previous COPs, Phase I, II, Soil Removal, and Appraisal Reports) DGS could find no compelling reason to revisit the Property.

### Phase I Reports

The Phase I Environmental Site Assessments (ESAs) conducted for the Oregon/Yuba block were completed in accordance to ASTM E 1527-05 standards to identify recognized environmental conditions. The Phase I reports identified the presence of elevated petroleum hydrocarbons and metals on a nearby former railroad property, which is outside the boundaries of the property to be acquired by the state. The Phase I suggested because the structure appeared constructed prior to mid-1970s at 1720 Yuba Street (Thompson Property) that the building materials may likely contain asbestos and lead based paint, therefore, prior to demolition or any structural/renovation changes, all appropriate local, state, and federal rules/regulations will be followed with respect to the

handling and disposal of these materials. In addition, the reports noted a low detection of petroleum in one of the County parcels.

#### Phase II Investigation

As recommended by the Phase I, the Phase II scope of work included 13 borings of the Oregon/Yuba block to collect soil and groundwater samples for laboratory analysis. All sample concentrations were reflective of background levels or below environmental screening levels, except petroleum hydrocarbons detected at County-owned 1516 Oregon Street.

#### Soil Removal Report

Additional soil-testing confirmed the presence of diesel contamination at 1516 Oregon Street, but at concentrations below regulatory action. Nevertheless, the diesel impacted soil was excavated and the excavation was backfilled with clean material. The report showed that the impacts were localized and did not present a threat to human health or the environment. The subsurface activities in this localized area did not involve the Thompson Property.

#### Other Conditions

The State Historic Preservation Office determined that the buildings on the Property are not considered historically significant or eligible for listing.

#### Other

- The Board approved site selection for all 11 parcels at its May 17, 2010 meeting.
- The Board approved acquisition of 6 county-owned parcels and 4 privately-owned parcels at the July 8, 2011 meeting, with a direction to come back at a later date for the acquisition of the Property.
- The Board approved the selection of the Oregon/Yuba Site as the preferred site and considered the acquisition of the Property by eminent domain on April 8, 2011.
- With the acquisition of the Property, the proposed site meets the size, location, and compatibility requirements of the JCC.
- There is relocation assistance involved with the Property. The JCC will provide the City of Redding with relocation assistance in the amount of \$266,050 plus expenses incurred for the preparation of the relocation plan, and other miscellaneous costs related to the maintenance of the vacated improvements, for a total of \$321,796. The Relocation Plan was approved by DGS on June 20, 2011.
- Pursuant to a Memorandum of Understanding dated June 20, 2011, between the City of Redding and the JCC, the City of Redding will abandon a utility easement affecting the northwest portion of the Property within 60 days of JCC's acquisition of title.
- The Property Acquisition Agreement does not include the state's standard indemnification language. However, the Phase I and Phase II ESAs and the DGS-ESS site visit do not indicate any conditions that would likely pose exceptional risk to the state.
- The JCC will direct the City to dismiss its eminent domain action, prior to the close of escrow and the Property Acquisition Agreement requires the Owner to dismiss her cross complaint, in order for the state to obtain title that is free and clear of these encumbrances.
- There are no historic issues and no implied dedication involved with this project.

**Staff Recommendation: Authorize acquisition consistent with the staff analysis.**

## ACTION ITEMS

### ACTION ITEM—2

DEPARTMENT OF MENTAL HEALTH (4440)  
METROPOLITAN AND NAPA FIRE SPRINKLER SYSTEM FOR SKILLED NURSING FACILITY  
METROPOLITAN STATE HOSPITAL AND NAPA STATE HOSPITAL  
LOS ANGELES AND NAPA COUNTIES

*Authority: Chapter 33, Statutes of 2011, Item 4440-301-0001 (1)*

**Consider approving preliminary plans contingent upon the statutes of limitation passing with no court challenge**

## ACTION ITEMS

### STAFF ANALYSIS ITEM—2

Department of Mental Health  
Metropolitan and Napa Fire Sprinkler System for Skilled Nursing Facility  
Metropolitan State Hospital and Napa State Hospital  
Los Angeles and Napa Counties

#### Action Requested

**If approved, the requested action would approve preliminary plans contingent upon the statutes of limitation passing with no court challenge.**

#### Scope Description

**This project is within scope.** This project includes the installation of fire sprinklers in existing buildings that contain Skilled Nursing Facility (SNF) programs at Metropolitan State Hospital (MSH) and Napa State Hospital (NSH) in order to comply with new federal regulation (42 Code of Federal Regulations Part 483) requiring fire sprinklers for any long-term care facility receiving Centers for Medicare & Medicaid Services (CMS).

#### Funding and Cost Verification

**This project is within cost.** The 2011 Budget Act appropriated \$2,092,000 for design. The proposed 2012-13 Governor's Budget includes \$14,116,000 for construction.

- \$ 16,208,000 total authorized project costs
- \$ 16,208,000 total estimated project costs
- \$ 2,092,000 project costs previously allocated: \$1,008,000 preliminary plans and \$1,084,000 working drawings
- \$ 14,116,000 project costs to be allocated for construction (\$9,826,000 contracts, \$688,000 contingencies, \$3,198,000 A&E, and \$404,000 agency retained).

### CEQA

A Notice of Exemption has been filed with the State Clearinghouse on April 9, 2012, and the 35-day statutes of limitation will expire on May 14, 2012. Due to the fire/life safety component and the nature of the work involved, no challenges are anticipated.

### Real Estate Due Diligence

A Summary of Conditions Memo was completed on April 6, 2012, and no issues were identified.

### Project Schedule

Approve preliminary plans	May 2012
Complete working drawings	November 2012
Start Construction	February 2013
Complete construction	January 2015

### Other

As noted in the scope of the project, federal regulations require the installation of fire sprinklers. The regulations also require the fire sprinklers be installed by August 2013 or the state will lose federal funding. While the project won't be complete by this date, it is anticipated that if the state is well into the installation of the sprinklers, the federal government will not withhold the federal funding. Therefore, waiting to the next Board meeting to request the approval of preliminary plans because the CEQA statutes of limitation period expires three days after the May 2012 Board meeting would create an unnecessary four week delay in the project. Additionally, this four week delay could result in the inability of the department to properly encumber working drawing funds by the end of the fiscal year and budgetary requirement.

**Staff Recommendation:**      **Approve preliminary plans contingent on the passage of the CEQA statutes of limitation period with no court challenge.**

## ACTION ITEMS

### ACTION ITEM—3

DEPARTMENT OF MENTAL HEALTH (4440)  
NAPA STATE HOSPITAL FIRE ALARM REPLACEMENT SYSTEM  
NAPA STATE HOSPITAL  
NAPA COUNTY

*Authority: Chapter 33, Statutes of 2011, Item 4440-301-0001 (2)*

**Consider approving preliminary plans contingent upon the statutes of limitation passing with no court challenge.**

## ACTION ITEMS

### STAFF ANALYSIS ITEM—3

Department of Mental Health  
Napa State Hospital Fire Alarm Replacement System  
Napa State Hospital  
Napa County

#### Action Requested

**If approved, the requested action would approve preliminary plans contingent upon the statutes of limitation passing with no court challenge.**

#### Scope Description

**This project is within scope.** The project will remove existing fire alarm systems, related materials, and equipment within six buildings (168, 195, 196, 197, 198, and 199) in order to provide a new code compliant fire alarm system at the Napa State Hospital. The one- and two-story Type 1A buildings contain approximately 650,000 square feet. The buildings are licensed for both Skilled Nursing Facility (SNF) and Immediate Care Facility (ICF) use. The buildings provide around-the-clock housing for SNF and ICF clients.

#### Funding and Cost Verification

**This project is within cost.** The 2011 Budget Act appropriated \$2,210,000 for design. The proposed 2012-13 Governor's Budget includes \$15,559,000 for construction.

\$ 17,769,000 total authorized project costs

\$ 17,769,000 total estimated project costs

\$ 2,210,000 project costs previously allocated: \$1,054,000 preliminary plans and \$1,156,000 working drawings

\$ 15,559,000 project costs to be allocated: construction (\$12,114,000 contracts, \$848,000 contingencies, and \$2,387,000 A&E, and \$210,000 other project costs)

### CEQA

A Notice of Exemption was filed on April 9, 2012, and the 35-day statutes of limitation will expire on May 14, 2012. Due to the fire/life safety component and nature of the work involved, no challenges are anticipated.

### Real Estate Due Diligence

A Summary of Conditions Memo was completed on April 6, 2012, and no issues were identified.

### Project Schedule

Approve preliminary plans	May 2012
Complete working drawings	November 2012
Start construction	February 2013
Complete construction	January 2016

### Other

The 2011-12 Budget Act appropriation was for preliminary plans and working drawings. Per Budget Act requirements, both design funds must be encumbered by June 30, 2012. To delay the approval of preliminary plans to the June 2012 Board meeting because the CEQA statutes of limitation period expires three days after the May 2012 Board meeting would create an unnecessary four week delay in the project that could result in the inability of the department to properly encumber working drawing funds per the Budget Act requirement.

**Staff Recommendation:**      **Approve preliminary plans contingent on the passage of the CEQA statutes of limitation period with no court challenge.**

## OTHER BUSINESS

### OTHER BUSINESS ITEM—1

**CALIFORNIA HIGH SPEED RAIL AUTHORITY (2665)  
VARIOUS COUNTIES**

**Consider the adoption of a Resolution authorizing the delegation of authority to set just compensation amounts relating to the acquisition of property for the California High Speed Rail Authority**

## OTHER BUSINESS

### STAFF ANALYSIS ITEM—1

California High Speed Rail Authority  
Various Counties

#### Action Requested

**If approved, the requested action would adopt a Resolution authorizing the delegation of authority to set just compensation amounts relating to the acquisition of property for the California High Speed Rail Authority's high speed train system (System).**

#### Background

By law, all property necessary for the System must be acquired by the Board. The High Speed Rail Authority anticipates needing approximately 1,100 properties over the next two years in order to complete a section of the System from Madera to Bakersfield. Thousands of additional properties will need to be acquired as the system extends first into the Los Angeles Basin and then towards the Bay Area. As all of the initial 1,100 properties, and likely most of the future properties will be partly purchased using federal funds, the acquisition process must comply with the Uniform Real Property Acquisition Policy (46 U.S.C.A. §4651) (the "Uniform Act"). Prior to initiating the negotiation of the acquisition of real property, and consistent with the Uniform Act, the Board is required to set the amount of just compensation for each subject property. The just compensation amounts are required to be used in negotiating the acquisition of the properties.

The Board has the authority, as set forth in Government Code section 15770.2, to delegate certain of its powers and duties to any member, official, or employee. In order to expedite the process to begin negotiations, it is requested that the setting of just compensation for the System properties be a delegated item by the Board to the Administrative Secretary, the Assistant Administrative Secretary, and to the Chief of Real Property Services Section of the Department of General

Services (DGS) and the Assistant Chiefs of Real Property Services Section of DGS. Just compensation will only be set on those properties that the Board has previously approved as part of its site selection responsibilities and following the approval of an appraisal by DGS for each property.

**Staff Recommendation:**     **Approve the adoption of a Resolution authorizing the delegation of authority to the Administrative Secretary, the Assistant Administrative Secretary, and to the Chief of Real Property Services Section of DGS and the Assistant Chiefs of the Real Property Services Section of DGS to set just compensation amounts relating to the acquisition of property for the California High Speed Rail Authority.**



## OTHER BUSINESS

### OTHER BUSINESS ITEM—2

**CALIFORNIA HIGH SPEED RAIL AUTHORITY (2665)  
VARIOUS COUNTIES**

**Consider directing and authorizing staff to work with the High Speed Rail Authority staff and Caltrans to negotiate an interagency agreement (or amendment) for legal representation of the Board on acquisition matters for the High Speed Rail System that require the exercise of eminent domain**

## OTHER BUSINESS

### STAFF ANALYSIS ITEM—2

California High Speed Rail Authority

#### Action Requested

**If approved, the requested action would direct and authorize staff to work with the High Speed Rail Authority (HSRA) staff and Caltrans to negotiate an interagency agreement (or amendment) for legal representation of the Board on acquisition matters for the High Speed Rail System that require the exercise of eminent domain.**

#### Background

The HSRA intends to enter into an interagency agreement with Caltrans which will provide several lawyers experienced in right-of-way acquisitions to assist and provide legal advice related to right-of-way acquisitions for the High Speed Rail System (System). These lawyers are also experienced in litigating eminent domain proceedings.

Under the relevant statutes, the Board is the condemning entity adopting the Resolution of Necessity and initiating the litigation in those site selected properties that cannot be acquired through a negotiated process. It would increase efficiency and likely eliminate a certain amount of delay if the lawyers representing the HSRA on acquisitions also represented the Board in cases where the Board has authorized the use of eminent domain to acquire property for the System. The costs associated with this legal representation will be paid for out of the System's acquisition appropriation.

The lawyers working for the HSRA under the interagency agreement with Caltrans will have extensive familiarity with right-of-way acquisition transactions and the required experience to go forward with eminent domain litigation, if authorized. It is our understanding that the Attorney General's Office (AGO) has consented to the use by the HSRA of lawyers other than the AGO for System acquisitions.

Typically, the AGO has represented the Board in eminent domain proceedings and, AGO consent would be needed if the Board was to be represented in eminent domain proceedings by lawyers outside the AGO. In preliminary conversations, the AGO has indicated receptiveness to allowing the Caltrans' lawyers to represent the Board in eminent domain litigation.

Board staff has had discussions with staff at both the HSRA and Caltrans and believes this type of joint representation arrangement would work well in the eminent domain proceedings that will likely be authorized for certain System acquisitions. Accordingly, staff requests the Board approve such an arrangement and direct staff to negotiate either an amendment to the HSRA/Caltrans interagency agreement or a separate interagency agreement for the Caltrans lawyers representing the HSRA to also represent the Board for those acquisitions that will require the exercise of eminent domain. Staff will work to obtain AGO consent prior to entering into any such agreement.

**Staff Recommendation:**      **Authorize and direct staff to work with the HSRA staff and Caltrans to negotiate an interagency agreement (or amendment) for legal representation of the Board on acquisition matters for the System that require the exercise of eminent domain contingent upon the consent by the Attorney General.**

## REPORTABLES

**To be presented at the Board meeting.**